

1 CHRISTOPHER W. JAMES (SBN 289047)
2 c{james@velaw.com
3 Vinson & Elkins LLP
4 350 South Grand, Suite 2100
5 Los Angeles, CA 90071
6 555 Mission Street, Suite 2000
7 San Francisco, California 94105
8 Telephone: 415.979.6949
9 Facsimile: 415.651.8786

10 EPHRAIM WERNICK (admitted *pro hac vice*)

ewernick@velaw.com

PETER T. THOMAS (admitted *pro hac vice*)

petethomas@velaw.com

Vinson & Elkins LLP

2200 Pennsylvania Ave. NW, Suite 500 West

9 Washington, DC 20037

Telephone: 202.639.6500

10 Facsimile: 202.639.6604

11 *Attorneys for Claimants*

12 Artyom Khachatryan, Gurgen Khachatryan, and WRH, Inc.

13 **UNITED STATES DISTRICT COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA**

15 UNITED STATES OF AMERICA,

16 Plaintiff.

17 v.

18 REAL PROPERTY IN LOS ANGELES,
19 CALIFORNIA,

20 Defendant,

21 and

22 ARTYOM KHACHATRYAN,
23 GURGEN KHACHATRYAN, and
WRH, INC.,

24 Claimants,

25 and

26 SEDRAK ARUSTAMYAN,

27 Claimant.

28 Case No.: 2:22-cv-02902-JLS-PD

**NOTICE OF MOTION AND
MOTION OF CLAIMANTS
ARTYOM KHACHATRYAN,
GURGEN KHACHATRYAN, AND
WRH, INC. TO DISMISS
CROSSCLAIM**

Date: October 28, 2022

Time: 10:30 a.m.

Location: Courtroom 8A

Judge: Hon. Josephine L. Staton

Trial Date: None Set

Date Action Filed: May 2, 2022

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD**

2 **PLEASE TAKE NOTICE THAT** on October 28, 2022, at 10:30 a.m. or as
3 soon as the matter may be heard by the Court, located at First Street U.S. Courthouse,
4 350 West 1st Street, Los Angeles, CA, in Courtroom 8A, 8th Floor before the
5 Honorable Josephine L. Staton, Claimants Artyom Khachatryan, Gurgen
6 Khachatryan, and WRH Inc. (together, “Claimants”) will and hereby do move the
7 Court, pursuant to the doctrines of abstention and *forum non conveniens*, as well as
8 Federal Rules of Civil Procedure 12(b)(3) and 12(b)(6) for an order dismissing the
9 crossclaim filed in the above-captioned matter by Claimant Sedrak Arustamyan
10 (“Arustamyan”) against Claimants. Claimants bring this motion on the grounds that
11 (i) it is proper for this Court to decline to exercise jurisdiction over the crossclaim in
12 deference to parallel proceedings pending in Armenia pursuant to the doctrine of
13 abstention; (ii) the public and private interest factors of the *forum non conveniens*
14 doctrine weigh substantially in favor of dismissal, especially given the parallel legal
15 proceedings in Armenia; (iii) venue is not proper in this district due to the forum
16 selection clause in the governing contracts; and (iv) Arustamyan fails to state a claim
17 on which relief may be granted.

18 Defendant bases this motion on this Notice of Motion and Motion, the
19 accompanying Memorandum of Points and Authorities, Declaration of Christopher W.
20 James, all pleadings and papers filed in this action, oral argument of counsel, and any
21 other matters that may come before the Court.

22 ///

23 ///

24 ///

25

26

27

28

1

2 Dated: July 18, 2022

VINSON & ELKINS LLP

3

4

By: /s/ Ephraim Wernick

5

Ephraim Wernick
Christopher W. James
Peter T. Thomas

6

7

*Attorneys for Claimants Artyom Khachatryan,
Gurgen Khachatryan, and WRH, Inc.*

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28